

Aug-19-04 13:38

From-LAHIVE & COCKFIELD, LLP

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T-089 P.13/14 F-368

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Dated August 19, 2004

Signature

Docket No.: IMI-040CP3
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Irwin J. Griffith *et al.*

Application No.: 08/737904

Art Unit: 1644

Filed: November 20, 1996

Examiner: R. B. Schwadron

For: T CELL EPITOPE OF RYEGRASS POLLEN
ALLERGEN

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TERMINAL DISCLAIMER

MS After Final
Commissioner for Patents
P.O. Box 450
Alexandria, VA 22313-1450

Dear Sir.

The undersigned attorney of record hereby submits this terminal disclaimer on behalf of Heska Corporation, Fort Collins, Colorado, the assignee of all rights in the above-identified application and the assignee of all rights in U.S. Patent No. 5,710,126, as evidenced by an Agreement executed by ImmunoLogic Pharmaceutical Corporation and Heska Corporation on December 13, 1999.

Pursuant to 35 U.S.C. §253 and 37 C.F.R. §1.321, Heska Corporation ("Assignee") hereby disclaims the terminal portion of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,710,126, entitled "T cell epitopes of ryegrass pollen allergen." Assignee also agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,710,126, this agreement to run with any patent granted on this application and to be binding upon the grantee, its successors or assigns.

Docket No.: IMI-040CP3

Application No.: 09/453110

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 5,710,126, in the event that U.S. Patent No. 5,710,126 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutory disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.132(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP


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Dated: August 19, 2004